

**Statement of Christopher J. Treese, External Affairs**

**Colorado River Water Conservation District**

**Glenwood Springs, Colorado**

**Deep Creek Wilderness Area**

**H. R. 2963**

**Subcommittee on Forests and Forest Health**

**House Committee on Resources**

**United States House of Representatives**

**October 16, 2001**

I want to thank Chairman McInnis for this opportunity to share the Colorado River Water Conservation District's views regarding H.R. 2963, the Deep Creek Wilderness Act.

The Colorado River Water Conservation District ("River District") is the principal policy body for the Colorado River within Colorado. We are a political subdivision of the State of Colorado responsible for the protection and development of the Colorado River basin's water resources to which the State of Colorado is entitled under the 1922 and 1948 Colorado River compacts. The River District includes all or part of 15 counties in west-central and northwest Colorado, including the entirety of both Garfield and Eagle Counties in which the proposed Deep Creek wilderness area resides.

Colorado River water is a scarce natural resource subject to greater demands than supplies. As such, western water concerns have been a major stumbling block for past wilderness legislation. Historically, the protection of water resources in wilderness legislation has taken a variety of forms, but water concerns have consistently, and often significantly, delayed or completely thwarted passage of previous wilderness legislation. This has been the history of Colorado wilderness legislation despite the fact that the vast majority of Colorado's wilderness areas, to date, have been headwater areas and therefore not subject to the range of water-related concerns that are associated with downstream wilderness areas.

Simply put, downstream wilderness designations not only preclude water development within the designated area, but conspicuously threaten all upstream water development potential unless precise water language is included in the enacting legislation.

The River District commends Chairman McInnis for his approach to address potential wilderness areas individually. The fact is that each prospective wilderness area has unique qualities which may qualify it for wilderness designation; concurrently, each area also has unique concerns associated with wilderness designation. We concur with the chairman that these area-specific concerns are best resolved through discrete area wilderness legislation. We note the relatively swift passage of the chairman's Spanish Peaks, Colorado Canyons and Gunnison Gorge wilderness bills as evidence of the success of this legislative formula. We also commend Congressman Udall's employment of this approach to protect the James Peak wilderness area.

Further, the River District expresses its appreciation to the chairman for his steadfast prerequisite that any proposed wilderness area have demonstrated local support prior to wilderness legislation. While we recognize that federal wilderness areas are a national treasure, the fact is that wilderness areas have disproportionate impacts, both beneficial and adverse, to the local economy and to those neighboring the proposed areas.

Our specific concerns with the proposed Deep Creek wilderness include protection of water resources and water rights. In the Deep Creek area, there are both perfected and conditional water rights upstream of the proposed wilderness area. That means that both existing water uses and planned future uses that are not yet developed lie upstream of the proposed wilderness boundaries. In fact, the River District is the owner of a couple of those conditional rights, which we hold in trust for present and future water users in Western Colorado. Wilderness designation immediately downstream of these existing property rights, without carefully crafted language to protect them, would have a chilling effect on their development potential and economic value. This is especially true of a proposed area such as Deep Creek whose wilderness values are predominantly defined by the water resource itself.

H.R. 2963, as introduced, includes wilderness boundaries that have been carefully crafted to exclude current water development features such as existing dams, diversions, and canals. Nevertheless, a wilderness area immediately downstream of existing or planned water developments presents clear operational and political challenges unless those rights are specifically recognized in the enabling legislation. The current language of H.R. 2963 does this.

The River District has been working with the chairman's office on water-related solutions for a proposed Deep Creek wilderness designation for some time. We strongly support the water language of H.R. 2963 as introduced. However, we also understand the dynamic nature of the legislative process and pledge to continue our efforts to resolve water resource and water rights concerns to the mutual satisfaction of both Western Colorado water users and the proposed Deep Creek wilderness area.

####